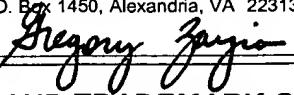




1641
150

CERTIFICATE OF MAILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: June 7, 2005 Name: Gregory H. Zavia - Reg. No. 48,059 Signature: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Johann Karl et al.

Appln. No.: 09/890,442

Examiner: James Leslie Grun, Ph.D.

Filed: January 31, 2002

Art Unit: 1641

For: Assay for the Detection of N-Terminal
proBNP

Attorney Docket No: 9793/73

RDGmbH Ref. No: 18931-US/IR (5181/0Q/US)

RDC Ref. No: BMID 9903 US

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

Transmittal Letter (in duplicate); Supplemental Information Disclosure Statement; Form PTO-1449; Copy of Cited Reference (B1); Copy of Canadian Search Report

Return Receipt Postcard

Fee calculation:

No additional fee is required.

Small Entity.

An extension fee in an amount of \$_____ for a _____-month extension of time under 37 CFR § 1.136(a).

A petition or processing fee in an amount of \$180.00 under 37 CFR § 1.17(p).

An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Small Entity		Not a Small Entity		
					Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$	Total	\$	

Fee payment:

A check in the amount of \$180.00 is enclosed.

Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.

The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

June 7, 2005
Date

Gregory H. Zavia (Reg. No. 48,059)



I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
on June 7, 2005

Date of Deposit

Gregory H. Zayia – Reg. No. 48,059

Name of applicant, assignee or
Registered Representative

Gregory Zayia
Signature
June 7, 2005

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Johann Karl et al.

Appln. No.: 09/890,442

Filed: January 31, 2002

For: Assay for the Detection of N-Terminal proBNP

Attorney Docket No: 9793/73

RDGmbH Ref.: 18931-US/IR (5181/0Q/US)

RDC Ref.: BMID 9903 US

Examiner: James Leslie Grun, Ph.D.

Art Unit: 1641

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 CFR §1.56 and §§1.97-1.98, and more particularly in accordance with 37 CFR §1.97(d), Applicants hereby cite the following reference:

Other Art

Ogawa, Yoshihiro et al., "Molecular Cloning of the Complementary DNA and Gene that Encode Mouse Brain Natriuretic Peptide and Generation of Transgenic Mice that Overexpress the Brain Natriuretic Peptide Gene," *J. Clin. Invest.*, 1994, 93, 1911-1921.

Applicants are enclosing Form PTO-1449 (one sheet), along with a copy of the listed reference in accordance with 37 CFR §1.98(a)(2). As the listed reference is in

17-06/13/2005 RFEKA01 00000003 09890442
180.00 op
01 FC:1806

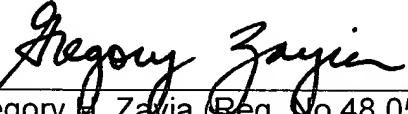
English, no further commentary is believed to be necessary pursuant to 37 CFR §1.98(a)(3). Applicants respectfully request the Examiner's consideration of the above reference and entry thereof into the record of this application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 CFR §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 CFR §1.56(a).

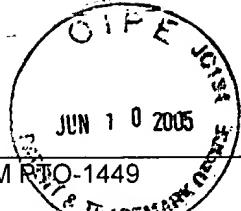
Applicants hereby certify pursuant to 37 CFR §1.97(e)(1) that no item of information in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application more than three months prior to the filing of this Statement (a copy of a Canadian Search Report first citing the listed reference is attached for the Examiner's reference). Applicants have further calculated a processing fee in the amount of \$180.00 to be due under 37 CFR §1.17(p) in connection with the filing of this Statement. Applicants have enclosed a check covering this fee, or authorized charging the fee to a deposit account or credit card, as indicated in the Transmittal accompanying this Statement.

Respectfully submitted,

June 7, 2005
Date



Gregory H. Zavia (Reg. No. 48,059)



FORM PTO-1449 <small>RE-EXAMINER USE</small>	SERIAL NO. 09/890,442	CASE NO. 9793/73
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT <small>(use several sheets if necessary)</small>	FILING DATE January 31, 2002	GROUP ART UNIT 1641
	APPLICANTS: Johann Karl et al.	

REFERENCE DESIGNATION **U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
------------------	---	------	------	-----------------	-------------

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
------------------	---	------	---------	-----------------	-----------------------

EXAMINER INITIAL **OTHER ART - NON PATENT LITERATURE DOCUMENTS**

(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)

B1	Ogawa, Yoshihiro et al., "Molecular Cloning of the Complementary DNA and Gene that Encode Mouse Brain Natriuretic Peptide and Generation of Transgenic Mice that Overexpress the Brain Natriuretic Peptide Gene," <i>J. Clin. Invest.</i> , 1994, 93, 1911-1921.
----	--

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.